



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE LAW OF MOSES HISTORICALLY CONSIDERED

I suppose there is no part of the Old Testament which presents more difficulties to the average reader than what is popularly known as "The Law of Moses." In four books — Exodus, Leviticus, Numbers and Deuteronomy — are voluminous statements of laws and ritual regulations which often are so intimately connected with each other that the mind gets hopelessly bewildered in trying to form any clear and definite conception as to what the Law of Moses really is. Thus we have stated in the Authorized Version, without any effort made to separate them from the historical narrative, the laws relating to the Ritual of Oblations, the Consecration of Priests, the methods of Purification and Atonement, the regulations which must be observed in the case of Vows and Tithes, the thousand and one specifications of the Tabernacle and its Services, until our brains get so completely muddled that after we have read religiously through these particular parts of Holy Writ, the only thing we remember is that the Jewish Church — and what is practically the same thing, the Jewish People — had a most elaborate and minute system of ecclesiastical and civil law. And as though the matter was not sufficiently complicated, we are told by scholars "that the laws contained in the Pentateuch do not form a homogeneous body proceeding at one time from one and the same legislative mind, that of Moses, but really consist of successive strata of legal enactments, representing widely separated periods of time, having much in common but also not a little in which they do not agree, so that they cannot be united into one harmonious whole."

If we accept this dictum of the modern scientific school — and I see no reason why we should not — then we shall discover that the Hebrew Law which we find in the Old Testament consists of four successive strata of legal enactments. Thus the oldest form goes back to the days of Moses and is known as "The Law of the Ten Words," or the Decalogue; the second is "The Book of the Covenant," which consists of those legal enactments to be found in the Book of Exodus from the twentieth chapter,

twenty-third verse, to chapter twenty-four; the third, "The Deuteronomic Code," found in the Book of Deuteronomy, beginning with the twelfth chapter and extending to the twenty-seventh; and lastly, "The Levitical Code," to be discovered in the Books of Exodus, Leviticus and Numbers. Now while these various codes have much in common they differ in important details. This shows us that the Higher Criticism is unquestionably right in its affirmation that Hebrew Law — like the case of common law everywhere — went through a development, an evolution, from a simple to a complex form, from the plain and majestic declaration of the Moral Law by Moses, down to the subtle, minute, elaborate definitions of ecclesiastical jurisprudence by Ezra and the Scribes. This much I think will be admitted by all who study the subject in the spirit of free inquiry and unbiased by theological prejudice.

My purpose, in this brief paper, will be first of all to take each of these great divisions and show what they have peculiar to themselves and how they differ from each other. In this way we shall get a bird's eye view of the subject, and besides, I trust, it will make us realize that we owe a profound debt of gratitude to those careful and laborious students who have given up their lives to the interpreting of the Old Testament in the light of scientific inquiry and research.

(I) The first division of our subject goes back to the Ten Words — the Decalogue — enunciated by Moses at the command of God, from the mist-wrapped mountain of Sinai. This is the oldest of all the codes and must have been in existence before the year 1000 B. C.

It will not be necessary to rehearse the Ten Commandments as we may hear them read every Sunday in the Communion Office, but two things may be observed: First, the Law is severely plain. There is no ritual. The fundamentals of religion and morality are the only things commanded and enforced. Secondly, there is as yet no separation of the people from any priestly class in the community. Just before the Ten Words were given we read:

And the Lord called unto Moses out of the mountain, saying: Thus shalt thou say to the house of Jacob, and tell the children of Israel: Ye have seen

what I did to the Egyptians, and how I bare you on eagles' wings, and brought you unto myself. Now therefore, if ye will obey my voice indeed, and keep my covenant, then shall ye be a peculiar treasure unto me from among all peoples: for all the earth is mine and ye shall be unto me a kingdom of priests and an holy nation.

How different all this is from subsequent codes will be easily seen as we proceed with our examination.

(II) The Book of the Covenant is the second great division of our subject and we note that it simply re-states the noble truth taught by Moses that there is but one God. This, moreover, is the foundation-stone upon which all after legislation is built up. One of the peculiarities of this code which separates it from all the others is the Law relating to altars:

An altar of earth thou shalt make unto me, and shalt sacrifice thereon thy burnt offerings, and thy peace offerings, thy sheep and thine oxen: in every place where I record my name I will come unto thee and I will bless thee.

In later years we shall see this particular legislation completely changed by subsequent enactments.

The beginning of all civil jurisprudence — the *Lex Talionis* — is clearly defined:

He that smiteth a man, so that he die, shall surely be put to death. . . . Thou shalt give life for life, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe.

We note also the terrible decree which served the infernal Salem Witch-Hunters their moral justification:

Thou shalt not suffer a sorceress to live.

From this grim, old law, however, here and there gleams forth a kindly reference to the poor and oppressed:

Ye shall not afflict any widow or fatherless child. . . . If thou at all take thy neighbor's garment to pledge, thou shalt restore it unto him by that the sun goeth down; for that is his only covering, it is his garment for his skin, wherein shall he sleep? . . . If thou lend money to any of my people with thee that is poor, thou shalt not be to him as a creditor; neither shalt ye lay upon him usury. . . . If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again.

In this last quotation we have undoubtedly an adumbration of that divine Spirit which afterwards found its complete fulfillment in the words of Christ:

Love your enemies.

To sum up the character, then, of this brief code, we find that "it is suited to the needs of a society in a very early stage of civilization. If, as may well be allowed, the main substance of its laws has descended from the Mosaic legislation, there is no reason to doubt that it has also, at different times, been adapted, by subsequent revision, to the requirements of the people when they were in the enjoyment of a settled agricultural life."

(III) Passing now to the third division — The Deuteronomic Code — put forth centuries later by Josiah and the reformers of his day, we notice that the little Book of the Covenant has grown into a formal and elaborate code of laws and regulations. The first point of difference from the earlier codes is that relating to the sanctuary. The first two had insisted only on the great fact that God is One; now Josiah and the men associated with him in their efforts to purify the church, insist upon one sanctuary.

As we know from early Jewish history, it was customary to offer up sacrifices on any high hill. Priest, prophet and king built altars pretty much where they pleased. They would have resented strenuously any command to worship in one particular place to the exclusion of all others. This state of affairs had gone on for hundreds of years with the result that wholesale corruption had poured in upon the Jewish people through their intermingling with the heathen nations especially at the time of sacrifice. These hill altars scattered throughout the country were perfectly legitimate in the early days; but now they had to go if Israel as a nation and as a Church ever hoped to keep herself pure and undefiled. Therefore we read:

Ye shall surely destroy all the places, wherein the nations which ye shall possess served their gods, upon the high mountains, and upon the hills and under every green tree. . . . But unto the place which the Lord your God shall choose out of all your tribes to put his name there, even unto his habitation shall ye seek, and thither thou shalt come: and thither ye shall bring

your burnt offerings, and your sacrifices, and your tithes. . . . Take heed to thyself that thou offer not thy burnt offerings in every place that thou seest: but in the place which the Lord shall choose in one of thy tribes, there thou shalt offer thy burnt offering.

We need hardly add that this law introduced a new and radical change into Hebrew life. We have but to think — as Professor Batten in his “*Old Testament from the Modern Point of View*” has pointed out — of Gideon, Samuel, David, Solomon, and hosts of others, in fact “the godliest souls that existed between Moses and Josiah,” who offered up sacrifices on any high hill that suited their convenience, to see how wide the line of demarcation is between the Law of the Book of the Covenant and the Law as given to us by the Puritans of Josiah’s day.

The Deuteronomic Code in the main is simply a development of the Book of the Covenant. The Book of Deuteronomy was one of the Books most quoted by our Lord. Again and again do we find anticipations of His teachings in its pages. The great law of charity could hardly be more exquisitely stated than in the following words:

Thou shalt not abhor an Edomite; for he is thy brother: thou shalt not abhor an Egyptian, because thou wast a stranger in his land. . . . Thou shalt not oppress an hired servant that is poor and needy, whether he be of thy brethren or of thy strangers that are in thy land within thy gates; in his day thou shalt give him his hire, neither shall the sun go down upon it; for he is poor and setteth his heart upon it. . . . Thou shalt not wrest the judgment of the stranger, nor of the fatherless; nor take the widow’s raiment to pledge: but thou shalt remember that thou wast a bondman in Egypt and the Lord thy God redeemed thee thence. . . . When thou reapest thine harvest in thy field and hast forgotten a sheaf in the field, thou shalt not go again to fetch it. . . . When thou beatest thine olive tree, thou shalt not go over the boughs again. . . . When thou gatherest the grapes of thy vineyard, thou shalt not glean it after thee; it shall be for the stranger, for the fatherless and for the widow.

And even the poor patient beast of burden is not forgotten:

Thou shalt not muzzle the ox when he treadeth out the corn.

(IV) We come now to the fourth and last division of our subject: “*The Levitical Code.*” The date of this last elaboration of Hebrew Law, in the opinion of a growing number of scholars, goes back to the time of Ezra and the return from the Babylon-

ian Captivity, that is to say, it is Post-Exilic. The Jewish Nation — as a nation — disappeared forever when the Jews were carried captive to Babylon. When they emerged from the thick darkness of their captivity they were a dependent people and the only thing left to them was their religion to which they clung with a devotion and passion that has truly something pathetic about it. It was all that was left out of the wreck and so they carefully, lovingly and laboriously elaborated everything that related to that religion's public observance.

Thus the last of the codes in the Bible has an extraordinary amount of space given to regulations connected with the Temple and its Service. We find described at great length the Law and Ritual of Oblations, the Law of Purification and Atonement, with all its minute references to what animals and insects are clean and what are unclean, what should be done in the case of leprosy and in the case of accidental defilement; the Ritual of Priestly Service; the various Laws of Offerings, the Regulations respecting Fringes; the Law of the Inheritance of Daughters; the merciless Law of Spoils; the Law of the Marriage of Heiresses; and the formal allotment of cities for the Levites and the Cities of Refuge for those who accidentally had slain their companions. In fact, as Professor Batten remarks, this last code is "the Priest's law book containing regulations by which the Priests ruled the community."

We are truly amazed at this tremendous growth from the Decalogue. With Ezra and the Scribes we enter a totally different atmosphere from the one surrounding Moses on the crags of Sinai. Ritualism was growing like a green bay tree when this last code was incorporated into the Old Testament.

This development of Hebrew Law from the simplicity of the Decalogue to the elaboration of the Levitical Code is not something inexplicable; but is wholly in accord with everyday experience. As we study the history of the Jews the effect of their successive environments will show itself in their literature and in their constitution as surely as the flower of the field is affected by the soil and the rain which cherish it. It is perfectly natural therefore and in accord with what we know of all life that when the Jewish Nation disappeared from off the face of the

earth, the Jewish People should turn to the one thing left them, namely their religion and its ritual. These were peculiarly and especially their own. Thus Ezra and his companions were the beginners of that great movement known as Rabbinism, which though it had many noble characteristics, degenerated at last into those inflexible parties, which centuries later crucified the Lord of Life, because He differed from them and would not square His conduct according to their preconceived judgments and opinions.

As we proceed to examine this last code we notice that Ezra and the Scribes go one step further respecting the ritual of the Temple. Moses, in majestic simplicity, said "One God!" Josiah and the noble men associated with him in his efforts to reform, declared: "One Sanctuary!" Now, Ezra and the Scribes affirm: "One Undeviating Ritual to be observed and practised in *one* Particular Sanctuary."

There are other minor differences which the late Professor Bruce in his valuable essay on "The Law of Moses" points out — an essay to which this part of my paper is deeply indebted — the most important being the separation of the Levites and the Priests. In the Deuteronomic Code they are one; in the Levitical Code they are distinct. "In Deuteronomy they are a poor class, and as such are recommended to the consideration of the charitable. In the Levitical Code there is an elaborate system of tithes, which, if worked out, would make the once poor class a rich and influential corporation."

Law, generally speaking, to the average man is dull reading and we need not be afraid to admit that this universal rule holds good with regard to the Law of Moses. And yet if we do read Hebrew Law — especially in the Book of Deuteronomy — we shall not wonder why our Lord so often quoted from this last Book or why He so frequently used it to enforce His teaching of the need of Charity which after all is the Law of God and of His Christ.

GEORGE DOWNING SPARKS.

Babylon, Long Island.